

MINUTES OF MEETING OF THE BOARD OF SUPERVISORS  
OF POCAHONTAS COUNTY, IOWA, HELD AT THE BOARD ROOM  
IN THE COURTHOUSE IN POCAHONTAS  
ON AUGUST 8, 1995

The meeting was called to order by Charles Mayo, Chairman,  
and upon roll call the following members were present:

Paul Beneke, Charles Mayo, Ralph Christiansen, Vincent Triggs

The members absent: Loren Thompson

Chairman Charles Mayo explained to the Board of Supervisors that the purpose of this meeting at this time was to consider the adoption of an Airport Tall Structure Zoning Ordinance for the Municipal Airport of the City of Pocahontas, Iowa. Chairman Mayo also explained to the Board of Supervisors that the Airport Zoning Commission for the Pocahontas Municipal Airport has conducted a public hearing pursuant to notice relative to the adoption of this Airport Tall Structure Zoning Ordinance and that said Pocahontas Airport Zoning Commission recommended to the City Council of the City of Pocahontas, Iowa, and also to the Board of Supervisors of Pocahontas County, Iowa, that this ordinance be adopted.

After consideration of said ordinance, Boardmember Triggs introduced the ordinance hereinafter entitled:

"AIRPORT TALL STRUCTURE ZONING ORDINANCE FOR THE  
POCAHONTAS MUNICIPAL AIRPORT OF POCAHONTAS, IOWA"

and moved its adoption. Boardmember Beneke seconded the motion to adopt. The roll was called and the following Boardmembers voted as follows:

Boardmember Beneke voted	<u>Aye</u>
Boardmember Christiansen voted	<u>Aye</u>
Boardmember Mayo voted	<u>Aye</u>
Boardmember Thompson voted	<u>Absent</u>
Boardmember Triggs voted	<u>Aye</u>

WHEREUPON, Chairman Charles Mayo declared said ordinance duly adopted as follows:

(See a complete text of an Airport Tall Structure Zoning Ordinance attached hereto and made a part of these Minutes by reference thereto)

PASSED AND APPROVED by the Board of Supervisors of the County of Pocahontas, Iowa, on this 8th day of August, 1995.

Charles R Mayo  
Charles Mayo, Chairman

ATTEST:

Margene A. Bunda  
Margene Bunda, County Auditor

It is moved by Boardmember Triggs and seconded by Boardmember Beneke that said ordinance be placed on its first reading. Upon roll call, the members of the Board of Supervisors voted upon said motion as follows:

Boardmember Beneke voted	<u>Aye</u>
Boardmember Christiansen voted	<u>Aye</u>
Boardmember Mayo voted	<u>Aye</u>
Boardmember Thompson voted	<u>Absent</u>
Boardmember Triggs voted	<u>Aye</u>

All members of the Board of Supervisors being present and all of them having voted aye, Chairman Charles Mayo declared said motion carried and said ordinance was placed upon its first reading and was read for the first time.

It was moved by Boardmember Triggs and seconded by Boardmember Beneke that in accordance with the Code of Iowa that the rule requiring that an ordinance be distinctively read on three different days be dispensed with and that the Board of Supervisors proceed to final passage of the ordinance. Roll call upon said motion was as follows:

Boardmember Beneke voted	<u>Aye</u>
Boardmember Christiansen voted	<u>Aye</u>
Boardmember Mayo voted	<u>Aye</u>
Boardmember Thompson voted	<u>Absent</u>
Boardmember Triggs voted	<u>Aye</u>

All members of the Board of Supervisors being present and all of them having voted aye, Chairman Charles Mayo declared that a majority of the Board of Supervisors had voted in the affirmative, and the Chairman thereupon declared said motion was carried.

It was moved by Boardmember Triggs and seconded by Boardmember Beneke that since the complete text of said ordinance was published on July 25, 1995, in the Pocahontas Record-Democrat as provided by Section 331.305 of the Code of Iowa, which was prior to its first consideration and copies were also available at time of publication at the office of the County Auditor, that the rule that the ordinance must be considered and voted on for passage at one meeting prior to the meeting at which it is to be finally passed be suspended. Roll call upon said motion was as follows:

Boardmember Beneke voted	<u>Aye</u>
Boardmember Christiansen voted	<u>Aye</u>
Boardmember Mayo voted	<u>Aye</u>
Boardmember Thompson voted	<u>Absent</u>
Boardmember Triggs voted	<u>Aye</u>

All members of the Board of Supervisors being present and all of them having voted aye, Chairman Charles Mayo declared that a majority of the Board of Supervisors had voted in the affirmative and the Chairman thereupon declared said motion carried.

It was moved by Boardmember Triggs and seconded by Boardmember Beneke that this ordinance be placed upon its final passage and passed and adopted as written.

Roll call of the Board of Supervisors upon said motion was as follows:

Boardmember Beneke voted	<u>Aye</u>
Boardmember Christiansen voted	<u>Aye</u>
Boardmember Mayo voted	<u>Aye</u>
Boardmember Thompson voted	<u>Absent</u>
Boardmember Triggs voted	<u>Aye</u>

All members of the Board of Supervisors being present and all members having voted aye, Chairman Charles Mayo declared said motion carried and said ordinance duly passed and adopted on this 8th day of August, 1995.

Charles R Mayo  
Charles Mayo, Chairman

ATTEST:

Margene D. Bunda  
Margene Bunda, County Auditor

MINUTES OF MEETING OF THE CITY COUNCIL  
OF CITY OF POCAHONTAS, IOWA, HELD AT CITY HALL  
AT 7:00 P.M. ON AUGUST 7, 1995

The meeting was called to order by Lowell Pedersen, Mayor,  
and upon roll call the following members were present:

Larry Braby, George Tuttle, John DeWall, Jerry Boliard

Valma Poduska

The members absent: None

Mayor Pedersen explained to the Council that the purpose of this meeting at this time was to consider the adoption of an Airport Tall Structure Zoning Ordinance for the Municipal Airport of the City of Pocahontas, Iowa. Mayor Pedersen also explained to the Council that the Airport Zoning Commission for the Pocahontas Municipal Airport has conducted a public hearing pursuant to notice relative to the adoption of this Airport Tall Structure Zoning Ordinance and that said Pocahontas Airport Zoning Commission recommended to the City Council of the City of Pocahontas and also to the Board of Supervisors of Pocahontas County, Iowa, that this ordinance be adopted.

After consideration of said ordinance, Councilmember Tuttle introduced the ordinance hereinafter entitled:

"AIRPORT TALL STRUCTURE ZONING ORDINANCE FOR THE  
POCAHONTAS MUNICIPAL AIRPORT OF POCAHONTAS, IOWA"

and moved its adoption. Councilmember Bollard seconded the motion to adopt. The roll was called and the following Councilmembers voted as follows:

Councilmember Braby voted	<u>Aye</u>
Councilmember Tuttle voted	<u>Aye</u>
Councilmember DeWall voted	<u>Aye</u>
Councilmember Poduska voted	<u>Aye</u>
Councilmember Bollard voted	<u>Aye</u>

WHEREUPON, Mayor Lowell Pedersen declared said ordinance duly adopted as follows:

(See a complete text of an Airport Tall Structure Zoning Ordinance attached hereto and made a part of these Minutes by reference thereto)

PASSED AND APPROVED by the City Council of the City of Pocahontas, Iowa, on this 7th day of August, 1995.

  
Lowell Pedersen, Mayor

ATTEST:

  
Ila May Kraus, City Clerk

It is moved by Councilmember Poduska and seconded by Councilmember DeWall that said ordinance be placed on its first reading. Upon roll call, the Council voted upon said motion as follows:

Councilmember Braby voted	<u>Aye</u>
Councilmember Tuttle voted	<u>Aye</u>
Councilmember DeWall voted	<u>Aye</u>
Councilmember Poduska voted	<u>Aye</u>
Councilmember Bollard voted	<u>Aye</u>

All members of the Council being present and all of them having voted aye, Mayor Pedersen declared said motion carried and said ordinance was placed upon its first reading and was read for the first time.

It was moved by Councilmember Braby and seconded by Councilmember Tuttle and in accordance with the Code of Iowa that the rule requiring that an ordinance be distinctively read on three different days be dispensed with and that the Council proceed to final passage of the ordinance. Roll call upon said motion was as follows:

Councilmember Braby voted	<u>Aye</u>
Councilmember Tuttle voted	<u>Aye</u>
Councilmember DeWall voted	<u>Aye</u>
Councilmember Poduska voted	<u>Aye</u>
Councilmember Bollard voted	<u>Aye</u>

All members of the Councilmembers being present and all of them having voted aye, Mayor Pedersen declared that three-fourths of the Council had voted in the affirmative, and the Mayor thereupon declared said motion was carried.

It was moved by Councilmember DeWall and seconded by Councilmember Bollard that since the complete text of this ordinance was published on July 25, 1995, in the Pocahontas

Record-Democrat as provided by Section 362.3 of the Code of Iowa, which was prior to its first consideration and copies were also available at time of publication at the office of the City Clerk, that the rule that the ordinance must be considered and voted on for passage at one meeting prior to the meeting at which it is finally passed be suspended. Roll call upon said motion was as follows:

Councilmember Braby voted	<u>Aye</u>
Councilmember Tuttle voted	<u>Aye</u>
Councilmember DeWall voted	<u>Aye</u>
Councilmember Poduska voted	<u>Aye</u>
Councilmember Bollard voted	<u>Aye</u>

All members of the Council being present and all of them having voted aye, Mayor Pedersen declared that three-fourths of the Council had voted in the affirmative and the Mayor thereupon declared said motion carried.

It was moved by Councilmember Bollard and seconded by Councilmember DeWall that this ordinance be placed upon its final passage and passed and adopted as written.

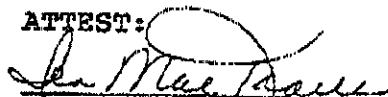
Roll call of the Council upon said motion was as follows:

Councilmember Braby voted	<u>Aye</u>
Councilmember Tuttle voted	<u>Aye</u>
Councilmember DeWall voted	<u>Aye</u>
Councilmember Poduska voted	<u>Aye</u>
Councilmember Bollard voted	<u>Aye</u>

All members of the Council being present and all members having voted aye, Mayor Pedersen declared said motion carried and said ordinance duly passed and adopted on this 7th day of August, 1995.

  
Lowell Pedersen, Mayor

ATTEST:

  
Ila Mae Kraus, City Clerk

AIRPORT TALL STRUCTURE ZONING ORDINANCEFOR POCAHONTAS MUNICIPAL AIRPORTPOCAHONTAS, IOWA

An ordinance regulating and restricting the height of structures and objects of natural growth in the vicinity of the Pocahontas Municipal Airport by creating the appropriate zones and establishing those boundaries; defining certain terms used herein; referring to the Pocahontas Municipal Airport height zoning map which is incorporated in and made a part of this ordinance; providing for enforcement; establishing an airport zoning board; establishing a board of adjustment; and imposing penalties.

This Ordinance is adopted pursuant to the authority conferred on the City of Pocahontas and Pocahontas County by Iowa Statutes, Section 329.3. It is hereby found that an airport hazard endangers the lives and property of users of the Pocahontas Municipal Airport, and property or occupants of land in its vicinity. Accordingly, it is declared:

1. That the creation or establishment of an airport hazard is a public nuisance and an injury to the City and County served by the Pocahontas Municipal Airport
2. That it is necessary in the interest of the public health, public safety and general welfare that creation of airport hazards be prevented; and,
3. That this should be accomplished, to the extent legally possible by proper exercise of the police power; and,
4. That the prevention of the creation or establishment of airport hazards and the elimination, removal, alteration, mitigation, or marking and lighting of existing airport hazards are public purposes for which the City of Pocahontas may raise and expend public funds as an incident to the operation of airports to acquire land or property interests therein.

It is Hereby Ordained by the Pocahontas City Council and resolved by the Pocahontas County Board of Supervisors as follows:

**SECTION I: SHORT TITLE**

This Ordinance shall be known and may be cited as "The Pocahontas Municipal Airport Height Zoning Ordinance."

**SECTION II: DEFINITIONS**

As used in this Ordinance, unless the context otherwise requires:

- (1) Airport - The Pocahontas Municipal Airport
- (2) Airport Elevation - The highest point of an airport's usable landing area measured in feet above mean sea level, which is established to be 1223.5 feet
- (3) Airport Hazard - Any structure or object of natural growth located on or in the vicinity of a public airport, or any use or land near such airport, which obstructs the airspace required for the flight of aircraft in landing or takeoff at such airport or is otherwise hazardous to such landing or takeoff of aircraft
- (4) Airport Primary Surface - A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway. The width of the primary surface of a runway will be that width prescribed in Part 77 of the Federal Aviation Regulations (FAR) for the most precise approach existing or planned for either end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline

- (5) Airspace Height – For the purpose of determining the height limits in all zones set forth in this Ordinance and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.
- (6) Control Zone – Airspace extending upward from the surface of the earth which may include one or more airports and is normally a circular area of five (5) statute miles in radius, with extensions where necessary to include instrument approach and departure paths.
- (7) Instrument Runway – A runway having an existing instrument approach procedure utilizing air navigation facilities or area type navigation equipment, for which an instrument approach procedure has been approved or planned.
- (8) Minimum Descent Altitude – The lowest altitude, expressed in feet above sea level, to which descent is authorized on final approach or during circle-to-land maneuvering in execution of a standard instrument approach procedure, where no electronic glide slope is provided.
- (9) Minimum Enroute Altitude – The altitude in effect between radio fixes which assures acceptable navigational signal coverage and meets obstruction clearance requirements between those fixes.
- (10) Minimum Obstruction Clearance Altitude – The specified altitude in effect between radio fixes on VOR airways, off-airway routes, or route segments which meets obstruction clearance requirements for the entire route segment and which assures acceptable navigational signal coverage only within 22 miles of a VOR.
- (11) Runway – A defined area on an airport prepared for landing and takeoff of aircraft along its length.
- (12) Visual Runway – A runway intended solely for the operation of aircraft using visual approach procedures with no straight-in instrument approach procedure and no instrument designation indicated on a FAA approved airport layout plan, a military services approved military airport layout plan, or by a planning document submitted to the FAA by competent authority.

### SECTION III: AIRPORT ZONES AND AIRSPACE HEIGHT LIMITATIONS

In order to carry out the provisions of this Section, there are hereby created and established certain zones which are depicted on the Pocahontas Municipal Airport Height Zoning Map. A structure located in more than one (1) zone of the following zones is considered to be only in the zone with the more restrictive height limitations. The various zones are hereby established and defined as follows:

#### 1. Airport Height Zones

- A. Horizontal Zone – The land lying under a horizontal plane 150 feet above the established airport elevation, the perimeter of which is constructed by:

- 1. Swing arcs of 5,000 feet radii from the center of each end of the primary surface of Runways 11, 29, 18 and 36 and connecting the adjacent arcs by lines tangent to those arcs.

No structure shall exceed 150 feet above the established airport elevation in the horizontal zone as depicted on the Pocahontas Municipal Airport Height Zone Map.

- B. Conical Zone – The land lying under a surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet. No structure shall penetrate the conical surface in the conical zone, as depicted on the Pocahontas Municipal Airport Height Zoning Map.

- C. Approach Zone – The land lying under a surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface.



1. The inner edge of the Approach Surface is:
  - (a) For Visual Utility -- 250 feet in width for Runways 18 and 36
  - (b) For NPI Utility -- 500 feet in width for Runways 11 and 29.
2. The outer edge of the approach zone is:
  - (a) For Visual Utility -- 1,250 feet for Runways 18 and 36
  - (b) NPI Utility -- 2,000 feet for Runways 11 and 29
3. The Approach Zone extends for a horizontal distance of:
  - (a) For Utility Runway -- 5,000 feet at a slope of 20 to 1 for Runways 11, 29, 18, and 36.

No structure shall exceed the approach surface to any runway, as depicted on the Pocahontas Municipal Airport Height Zoning Map.

- D. Transitional Zone -- Land lying under those surfaces extending outward and upward at right angles to the runway centerline and the runway centerline extended at a slope of 7 to 1 from the sides of the primary surface and from the sides of the Approach Surfaces. No structure shall exceed the Transitional Surface, as depicted on the Pocahontas Municipal Airport Height Zoning Map.
- E. No structure shall be erected in Pocahontas County that raises the published Minimum Descent Altitude for an instrument approach to any runway, nor shall any structure be erected that causes the Minimum Obstruction Clearance Altitude or Minimum Enroute Altitude to be increased on any Federal Airway in Pocahontas County.

#### SECTION IV: USE RESTRICTIONS

Notwithstanding any other provisions of Section III, no use may be made of land or water within Pocahontas or Pocahontas County in such a manner as to interfere with the operation of any airborne aircraft. The following special requirements shall apply to each permitted use:

- A. All lights or illumination used in conjunction with street, parking signs, or use of land and structures shall be arranged and operated in such a manner that it is not misleading or dangerous to aircraft operating from the Pocahontas Municipal Airport or in the vicinity thereof.
- B. No operations from any use shall produce smoke, glare or other visual hazards within three (3) statute miles of any usable runway of the Pocahontas Municipal Airport.
- C. No operations from any use in Pocahontas or Pocahontas County shall produce electronic interference with navigation signals or radio communication between the airport and the aircraft.

#### SECTION V: LIGHTING

Notwithstanding the provisions of Section IV, the owner of any structure over 150 feet above ground level must install on the structure, lighting in accordance with Federal Aviation Administration (FAA), Advisory Circular 70/7460-2I and amendments. Additionally, any structure, constructed after the effective date of this Ordinance and exceeding 949 feet above ground level, must install on that structure, high intensity white obstruction lights in accordance with Chapter 6 of FAA Advisory Circular 70/7460-2I and amendments.

Any permit or variance granted may be so conditioned as to require the owner of the structure or growth in question to permit the City of Pocahontas, at its own expense, to install, operate and maintain thereto such markers or lights as may be necessary to indicate to pilots the presence of an airspace hazard.

#### SECTION VI: VARIANCES

Any person desiring to erect or increase the height of any structure, or to permit the growth of any tree, or otherwise use his property in violation of any section of this Ordinance, may apply to the Board of Adjustment for variance from such regulations. No application for variance to the requirements of this Ordinance may be considered by the Board of Adjustment unless a copy of the application has been submitted to the Pocahontas Airport Commission for their opinion as to the aeronautical effects of such a variance. If the Pocahontas Airport Commission does not respond to the Board of Adjustment within fifteen (15) days from receipt of the copy of the application, the Board may make its decision to grant or deny the variance.

#### SECTION VII: BOARD OF ADJUSTMENT

- A. There is hereby created a Board of Adjustment to have and exercise the following powers: (1) To hear and decide appeals from any order, requirement, decision, or determination made by the Airport Zoning Commission in the enforcement of this Ordinance; (2) To hear and decide special exemptions to the terms of this Ordinance upon which such Board of Adjustment under such regulations may be required to pass; and (3) To hear and decide specific variances.
- B. The Board of Adjustment shall consist of five (5) members appointed pursuant to the provisions of Section 329.12, Code of Iowa, and each shall serve for a term of five (5) years and until his successor is duly appointed and qualified.
- C. The Board of Adjustment shall adopt rules for its governance and in harmony with the provisions of this Ordinance. Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board of Adjustment may determine. The Chairman, or in his absence the Acting Chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board of Adjustment shall be open to the public. The Board of Adjustments shall keep minutes of its proceedings, showing the vote of each member upon each question or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall immediately be filed in the Office of the Pocahontas Zoning Administrator, and on due cause shown.
- D. The Board of Adjustment shall have the powers established in Iowa Statutes, Section 414.12.
- E. The concurring vote of a majority of the members of the Board of Adjustment shall be sufficient to reverse any order, requirement, decision or determination of any administrative official or to decide in favor of the applicant on any matter upon which it is required to pass under this Ordinance, or to effect variations of this Ordinance.

#### SECTION VIII: JUDICIAL REVIEW

Any person aggrieved, or any taxpayer affected, by any decision of the Board of Adjustment, may appeal to the Court of Record as provided in Iowa Statutes, Section 414.15.

## SECTION IX: ADMINISTRATIVE AGENCY

It shall be the duty of the Pocahontas Zoning Officer to administer the regulations prescribed herein. Applications for permits and variances shall be made to the City Clerk upon a form furnished by him. Applications required by this Ordinance to be submitted to the Administrative Agency shall be promptly considered and granted or denied. Application for action by the Board of Adjustment shall be forthwith transmitted by the Pocahontas Zoning Officer.

## SECTION X: PENALTIES

Each violation of this Ordinance or any regulation, order, or ruling promulgated hereunder shall constitute a misdemeanor, and be punished by a fine of not more than One Hundred Dollars (\$100.00) or imprisonment for not more than Thirty (30) days or both; and each day a violation continues to exist shall constitute a separate offense.

## SECTION XI: CONFLICTING REGULATIONS

Where there exists a conflict between any of the regulations or limitations prescribed in this Ordinance and any other regulations applicable to the same area, whether the conflict be with respect to height of structures, the use of land, or any other matter, the more stringent limitation of requirement shall govern and prevail.

## SECTION XII: SEVERABILITY

If any provisions of this Ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

## SECTION XIII: EFFECTIVE DATE

WHEREAS, the immediate operation of the provisions of this Ordinance is necessary for the preservation of the public health, public safety, and general welfare, and an EMERGENCY is hereby declared to exist, this Ordinance shall be in full force and effect from and after its passage by the City Council of Pocahontas and the Pocahontas County Board of Supervisors, Iowa.

Adopted by the City Council of the City of Pocahontas, Iowa this 7th  
day of August, 1995

By Lowell L. Pedersen  
Mayor

By Ken MacTavish  
Clerk

Adopted by the Board of Supervisors, Pocahontas County, Iowa, this  
8th day of August, 1995

By Charles R. Mays  
Chairman

By Margaret A. Benda  
Secretary